CLASSIFICATION OFFICE DECISION

Title of publication:	-8616291459577160512_2
Other known title(s):	Not stated
OFLC ref:	1900522.001
Medium:	Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	16 December 2019
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	16 December 2019

Summary of reasons for decision:

The image file is deemed to be objectionable under s3(2)(a) of the of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it promotes and supports the exploitation of children or young persons for sexual purposes. It is a highly sexualised image of a partially nude girl who is in her early teens at most, that has been shared as part of a messenger app conversation. The image is intended for the sexual arousal and titillation of adults with an interest in children. or young persons. The availability of such material encourages the creation or reinforcement of this sexual interest by presenting children or young persons as appropriate subjects for adult sexual fantasy and desire. This classification interferes with the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990. However, this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of the FVPC Act be banned. It also reflects the concern of a free and democratic society to protect its young and vulnerable members from exploitation.